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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,087	01/13/2004	Jerry Iggulden	3944P013X	3552

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,087

Applicant(s)

IGGULDEN ET AL.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006 and 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,19,23,24,36,38,50 and 62-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,19,23,24,36,38,50 and 62-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/27/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 19, 36, 38, 50, 62, 65, 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US 6,198,996 B1) in view of Mooney et al. (US 6,351,813 B1).

Regarding claims 1, 19, 38, 50, 62, 65, 69-70, Berstis discloses a method for setting a programmable feature of an automobile sound system comprising:

providing a transfer device (SmartCard 1015);

transferring set-up data to the automobile sound system (user preferences are transferred to the vehicle sound system via SmartCard 1015; col. 14, line 63 – col. 15, line 1; col. 15, lines 8-12; user preferences include sound system settings, col. 10, lines 5-55).

Berstis differs from claims 1, 19, 36, 38, 50, 62, 65, 69-70 in that it does not specify providing a graphical user interface on a user's computer for programming the automobile sound system function. However, Mooney teaches the well known use of a graphical user interface for selecting and storing information onto a smart card (col. 8, lines 47-49) such that it would

have been obvious to an artisan of ordinary skill to incorporate such use of a graphical user interface, as taught by Mooney, within the method of Berstis for selecting and storing the user preference data on the SmartCard.

Regarding claims 36, 68, Mooney provides for receiving data via World Wide Web (col. 3, lines 39-41; col. 11, lines 26-27).

Regarding claims 62, 65, 70, in Berstis, user preferences can include temperature adjustments (col. 20, lines 49-51) and other parameters, including air flow, which are used to adjust the various subsystems of the Comfort system 400 (col. 6, lines 2-14).

3. Claims 5-6, 23-24, 63-64, 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis in view of Mooney, as applied to claim 19 above, and further in view of Elmers et al. (US 5,850,304, hereinafter "Elmers").

The combination of Berstis and Mooney differs from claims 5-6, 23-24, 63-64, 66-67 in that it does not specify the transfer device comprising an optical sensor or transferring set-up data from the display in which a portion of the display screen is modulated and the transfer device senses such modulation. However, Elmers, from the same field of endeavor, teaches the well known use of such a transfer device (controller 12 is placed in front of the computer screen; Figure 1) and transferring via display modulation (data is transferred from the computer display 11 to programmable controller 12 as a series of light pulses which are detected by a photodetector within controller 12; col. 5, lines 5-18). It would have been obvious to an artisan of ordinary

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skill to incorporate such a well known transfer device feature, as taught by Elmers, within the combination of Berstis and Mooney as an alternative means of transferring set-up data from the computer to the automobile sound system.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 5-6, 19, 23-24, 36, 38, 50, 62-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

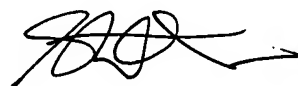
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo
Primary Examiner
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